

FORTIETH DAY.

Senate Chamber,
Austin, Texas,

Saturday, March 5, 1921.

The Senate met at 10:10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Page.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	McNealus.
Bledsoe.	Murphy.
Buchanan.	Page.
Carlock.	Parr.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

Absent.

Richards.

Absent—Excused.

Clark.	Hertzberg.
Dorough.	Lewis.
Harp.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

See Appendix for Standing Committee Reports.

Bills and Resolutions.

(By Unanimous Consent.)

By Senator Buchanan:

S B. No. 343, A bill to be entitled "An Act making an appropriation of Forty Thousand (\$40,000) Dollars to carry out the purpose of the appropriation made in Section 6 of Chapter 7 of the General Laws of the Second Called Session of the Thirty-fifth Legislature relative to a school at Ferguson State Farm in Madison County for the education and training of delinquent boys, to be named and known as the State Training School for Negro Boys, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Floyd:

S. B. No. 344, A bill to be entitled "An Act to provide for revising, digesting, annotating and publishing the Civil and Criminal Laws of the State of Texas, and to require the commissioners appointed to revise the Statutes to prepare two bills, one providing a civil and one a criminal code of practice in the courts of this State, and report the same to the Governor, who shall submit the same to the Legislature."

Read first time and referred to Committee on Civil Jurisprudence.

Morning call concluded.

Senate Bill No. 111.

(Special Order.)

The Chair laid before the Senate, on third reading,

S. B. No. 111, A bill to be entitled "An Act authorizing the removal of the Main University of Texas from its present site in the city of Austin, contiguous to the said city of Austin, Travis County, to a new site in and now owned by the University, known as the Brackenridge land; appropriating the unexpended balance of the University available fund and all of such available fund to accrue for the fiscal years ending August 31, 1922, and August 31, 1923, to meet such expenditures as are incident to or necessary for the preparation of removal of the University, for the purchase of additional lands adjacent to the new site, and for the erection of new buildings upon such site; authorizing the Board of Control of the State to ascertain the value of the University buildings and lands on the present site and report thereon; authorizing the Legislature to purchase the buildings and lands now used by the Main University in the city of Austin at a fair valuation, making payments therefor, by appropriation for the general revenue; providing that the removal of the Main University shall be accomplished at such time and in such manner as the Board of Regents shall find practicable, and for the continued use of the present buildings by the University until the removal is accomplished; validating acts of the Board of Regents, notwithstanding the re-

moval of the institution to the new site, and declaring an emergency."

Senator Witt offered the following amendment:

Amend Senate Bill No. 111, as amended, by striking out Section 5 thereof and inserting in lieu of said Section 5 the following, viz:

"Section 5. The Commission herein provided for shall require that each deed that it takes to any property described in this Act shall contain a clause by which the grantor or grantors in said deed consent that the Board of Regents of the University of Texas may vacate, alter, change, take or abandon any street or alley or other public ground in any of the territory embraced in any of the tracts herein described without payment of further consideration to such grantor or grantors than the consideration recited in said deed; and that such grantor or grantors for said consideration waive and release all claims for damages, or claims of any other character, that they might otherwise assert because of such vacating, alteration, changing, taking or abandonment of such streets, alleys or other public places. The Commission and the Board of Regents of the University of Texas are hereby granted the right to vacate, alter, change, take or abandon any street, alley or other public dedication in any of the territory herein described, and the right to acquire said privilege by condemnation proceedings, of the character, and by the procedure, hereinafter mentioned, whenever the Commission fails to acquire such rights by voluntary deeds of grantors as hereinabove provided for. It shall not be necessary for the Commission or said Board of Regents to obtain the consent of the City of Austin, or any other public authority, as a prerequisite for such action."

The amendment was read and adopted by the following vote:

Yeas—21.

Bailey.	Floyd.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Cousins.	Parr.
Darwin.	Rogers.
Davidson.	Suiter.
Dudley.	Watts.

Williams.	Wood.
Witt.	

Absent.

Clark.	Hertzberg.
Dorough.	Lewis.
Harp.	

Absent—Excused.

Fairchild.	Richards.
Hall.	Woods.

The bill was read third time and passed finally by the following vote:

Yeas—21.

Bailey.	McNealus.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Parr.
Carlock.	Rogers.
Cousins.	Watts.
Darwin.	Williams.
Davidson.	Witt.
Dudley.	Wood.
Floyd.	Woods.
McMillin.	

Nays—1.

Suiter.

Absent.

Fairchild.	Richards.
Hall.	

Absent—Excused.

Clark.	Hertzberg.
Dorough.	Lewis.
Harp.	

Senate Bill No. 167.

(Special Order.)

The Chair laid before the Senate, on second reading,

S. B. No. 167. A bill to be entitled "An Act to amend Chapter 160 of the Acts of the Regular Session of the Thirty-sixth Legislature of the State of Texas, approved April 3rd, 1919, the same being an Act regulating the employment of women and minors and establishing a Board of Industrial Welfare to investigate and deal with such employment, including the fixing of a minimum wage, providing for an appropriation therefor, and fixing penalties for the violation thereof and declaring an emergency; by providing for the appointment of a Board of Industrial Welfare; defining their powers and duties; fixing their salaries, and fixing penalties for the violation thereof, and declaring an emergency."

Senator McNealus offered the following several amendments, being considered separately, the amendments being adopted in their order:

Amendment No. 1 to Senate Bill No. 167:

Amend Senate Bill No. 167, page 1, line 21, by striking out the words "may and"; also the words in same line "upon petition of"; also, in line 22, page 1, strike out the words "resident citizens of said district."

Amendment No. 2 to Senate Bill No. 167:

Amend Senate Bill No. 167, line 25, page 1, by striking out the first blank () and inserting the word "first" and striking out the second blank () in same line, same page, and insert the words "month of May."

Amendment No. 3 to Senate Bill No. 167:

Amend Senate Bill No. 167, by adding at the end of the first paragraph to Section 1, line 31, the following: "The Board of Industrial Welfare hereby created shall consist of three members, one of whom shall be selected by and representing the female and minor employees, the second to be selected by and recommended by the employers of female and minor employees and the third to be named by the Board of District Judges, herein provided for, to represent the general public."

Amendment No. 4:

Amend Senate Bill No. 167, Section 3, page 3, sub-division (b) line 12, after the word access, by inserting the words, "to the books and records and."

Amendment No. 5:

Amend Senate Bill No. 167, Section 4, page 3, line 23, by striking out the period and inserting a semicolon and the following words: "Such hearing to begin not later than one week after the filing of such complaint."

Amendment No. 6:

Amend Senate Bill No. 167, by striking out the word "character" in Section 5, page 4, line 4.

Amendment No. 7:

Amend Senate Bill No. 167, after the word "copy" in Section 5, page 4, line 10, strike out the semicolon and insert a period. Strike out all the words in line 10 after the word

"copy," and strike out all the lines 11, 12, and 13.

Amendment No. 8:

Amend Senate Bill No. 167, by striking out the words "or learner" at the end of line 20, Section 8, page 5, and insert the word "or," in front of "apprentice," in same line, and by placing a comma after the word "apprentice."

Amendment No. 9:

Amend Senate Bill No. 167, by adding after Section 8, a new Section to be known as Section 9, and number the present Section 9, Section 10.

"Section 9. The members of the Board of Industrial Welfare for any Congressional district shall receive compensation for their services at the rate of ten dollars per day and their necessary traveling and other expenses for not to exceed ten days service in any two years, except in cases of special meetings to hear complaints, as provided for in this Act. Such compensation and expenses to be paid for as provided in the last paragraph in Section 1."

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 167 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	McNealus.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Parr.
Carlock.	Rogers.
Cousins.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Floyd.	Wood.
Hall.	Woods.
McMillin.	

Absent.

Fairchild.	Richards.
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Absent—Excused.

Clark.	Hertzberg
Dorough.	Lewis.
Harp.	

The bill was read third time and passed finally.

Simple Resolution No. 71.

Whereas, Governor W. P. Hobby is now in the city and in the Senate Chamber, and it is the desire of the Senate to have him with them as much as possible while in the city; be it

Resolved, That he be extended the privileges of the Senate and be requested to address the Senate.

Cousins, McNealus, Bailey, Davidson, Watts.

The resolution was read and adopted.

The Chair appointed Senators Cousins, McNealus, Bailey and Davidson as a committee to escort former Governor Hobby to the president's stand, who, after being introduced, addressed the Senate briefly.

House Bill No. 324.

I ask unanimous consent that the Senate rescind its action of date March 4th, 1921, whereby it reconsidered its action in passing House Bill No. 324 and all proceedings had with reference to said bill thereafter, and instruct the Journal Clerk to expunge from the record all proceedings had in the Senate on said date with reference to said bill.

CARLOCK.

The above motion was adopted by unanimous consent.

Senate Joint Resolution No. 5.

The Chair laid before the Senate, on third reading, Senate Joint Resolution No. 5.

On motion of Senator Davidson the resolution was laid on the table subject to call.

House Bill No. 161.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

H. B. No. 161, A bill to be entitled "An Act to amend Chapter 160 of the Acts of the Regular Session of the Thirty-sixth Legislature of the State of Texas, approved April 3, 1919, the same being 'An Act regulating the

employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage, providing for an appropriation therefor, and fixing penalties for the violation thereof, and declaring an emergency,' by providing for manner of selection and employment of said commission; providing additional powers and duties; providing for salaries; making appropriations therefor; fixing penalties for the violation thereof, and declaring an emergency."

The Senate rule requiring that committee reports lie over for one day was suspended.

The committee report, adverse to House Bill No. 161, but recommending the substitution of Senate Bill No. 46, in lieu thereof, was adopted. (See Appendix for committee report.)

The bill was read second time and passed to a third reading.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 161 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	McMillin.
Raugh.	Murphy.
Riedsoe.	Page.
Ruchanan.	Parr.
Carlock.	Rogers.
Cousins.	Snider.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hall.	

Absent.

McNealus. Richards.

Absent—Excused.

Clark.	Hertzberg.
Dorough.	Lewis.
Harp.	

The bill was read third time and passed finally.

Senate Bill No. 337.

The Chair laid before the Senate, on third reading,

S. B. No. 337, A bill to be entitled "An Act to create the 'County Court at Law' for Tarrant County, Texas, to define the jurisdiction thereof, and to conform to such change the jurisdiction of the County Court of Tarrant County, fixing the salary of the judge of said court, providing the appointment and election of the judges of said court herein created, providing for the appointment of special judges and filling of vacancies in said office, and providing an official shorthand reporter for said court and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—22.

Railey.	Hall.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Parr.
Carlock.	Suiter.
Cousins.	Watts.
Darwin.	Williams.
Davidson.	Witt.
Dudley.	Wood.
Fairchild.	Woods.
Floyd.	

Absent.

McMillin.	Richards.
McNealus.	Rogers.

Absent—Excused.

Clark.	Hertzberg.
Dorough.	Lewis.
Harp.	

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 184, A bill to be entitled "An Act to make appropriations in order to enable the State of Texas to continue to receive the benefits of Federal funds appropriated to the States for vocational education under the provisions of the Smith-Hughes Act, accepted by the State of Texas, appropriating \$165,600, or so much thereof as may be necessary, for the

fiscal year 1921-22 and an appropriation of \$185,600, or so much thereof as may be necessary, for the fiscal year 1922-23."

H. B. No. 196, A bill to be entitled "An Act to amend Section 2 of Chapter 42 of the General Laws of the Thirty-second Legislature relating to exemptions as affecting employes and ex-employes of common carriers, express, railway, telegraph, news and other companies, persons and corporations performing service for or in connection with the operation of the railways, the State Railroad Commission, peace officers and representatives of industrial fairs and farmers' congresses and institutes and farmers' unions; deputy sheriffs, United States marshals and not more than two deputies of each such marshal; chiefs of police and city marshals; eleemosynary and religious societies; volunteer firemen and Confederate veterans; the State Game, Fish and Oyster Commissioner and his two chief deputies; State and county health officers; government representative accompanying fish for free distribution in the streams of this State; the Dairy and Food Commissioner and two chief deputies; and providing for right of contract between railway companies and editors, proprietors or publishers of newspapers and magazines; persons who have been instrumental in securing the passage by the United States Congress of statutes providing for the equipment of railroad trains with safety appliances; constables, members of the State Militia in uniform when called into service."

H. B. No. 139, A bill to be entitled "An Act to amend Section 61 of Article 30, Title 5 of the Revised Statutes, changing the time of holding the terms of the district court of the Sixty-first Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 230, A bill to be entitled "An Act authorizing any steam or electric interurban railway company or sleeping car company, or chartered transportation company, or the receivers or lessees thereof, or the persons operating the same, or officers agents or employes thereof to grant free passes to any person who is now receiving or may hereafter receive a pension from the State of Texas under the provisions of Section 51 of Article 3 of the Constitution of the State

of Texas; providing how proof of such fact may be made, and declaring an emergency."

H. B. No. 279, A bill to be entitled "An Act to validate all sales of Deaf and Dumb Asylum land made on April 9, 1903, and declaring an emergency."

H. B. No. 354, A bill to be entitled "An Act to make effective the provisions of Section 59 of Article 16 of the Constitution of the State of Texas with respect to conservation of the natural resources of the State, the same having been adopted as a Constitutional amendment by a vote of the people in 1917; and amending Sections 1, 2 and 3 of Chapter 88, General Laws, Thirty-fifth Legislature, so as more specifically to define the public waters of the State of Texas, and provide for their appropriation, diversion and use, and declaring an emergency."

H. B. No. 492, A bill to be entitled "An Act to amend Sections 7 and 11 of the Acts of the Thirty-second Legislature, creating a road system for Jack County, and declaring an emergency."

H. B. No. 504, A bill to be entitled "An Act to fix the time of holding the courts in the Thirty-eighth Judicial District of Texas; changing the time of holding the district court in Kerr County, and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 514, A bill to be entitled "An Act to amend the special road law in force in Van Zandt County, as enacted by the Thirty-third Legislature, and approved March 25, 1913, and as amended by the Thirty-fourth Legislature and approved March 15, 1915, by striking out Section 11 thereof and correcting Sections Nos. 12 and 13 so as to read Sections Nos. 11 and 12, respectively."

H. B. No. 518, A bill to be entitled "An Act creating the Santa Rosa Independent School District in Cameron County, Texas, and defining its boundaries; providing for the election and qualification of a board of trustees therefor; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of the State for free school pur-

poses only, and declaring an emergency."

H. B. No. 223, A bill to be entitled "An Act to validate, ratify and confirm certain titles to lands in the Baltazar de la Garza grant of land in Nacogdoches County, abandoning all claims of the State of Texas to said lands, and declaring an emergency."

H. B. No. 247, A bill to be entitled "An Act creating a more efficient road system for Tyler County, Texas; providing that each commissioner of the same shall be ex-officio road commissioner of his precinct; providing for an inspection of roads, bridges, and culverts by said commissioner; providing for bonds, compensation and duties, and providing for the work of delinquent poll tax payers on the public roads and relieving them from the performance of said road work by the payment of \$5.00; providing that the commissioners' court shall have power to build roads, bridges, culverts, etc., by private contract; providing that the commissioners' court may employ a superintendent who shall be an experienced civil engineer in road building; providing penalties for the violation of this Act, and this Act shall be cumulative of all general laws of this State not in conflict herewith; repealing Chapter 82, Special Laws, passed by the Thirty-second Legislature, and declaring an emergency."

H. B. No. 352, A bill to be entitled "An Act creating the Stamford County Line Independent School District in Jones and Haskell counties, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas on independent school districts and the boards of trustees thereof; declaring that all taxes or bonds heretofore authorized by any and all former school districts included within the bounds hereof shall remain in full force and effect; providing that such board of trustees shall have the power to take, receive, sell, convey, transfer and dispose of real and personal property; repealing Chapter 2 of the Special Laws of Texas passed at the Second Called Session of the Thirty-first Legislature, and declaring an emergency."

Refused to pass:

H. B. No. 179, A bill to be entitled "An Act prescribing the duties, powers and authority of the Live Stock Sanitary Commission of Texas and providing a chairman therefor; providing for the eradication and control among the cattle, horses, mules, asses, sheep, goats, hogs and other live stock of this State of the infectious and contagious diseases of live stock known as splenetic tick fever, bovine tuberculosis, anthrax, glanders, contagious abortion, hemorrhagic septicaemia, cattle and sheep scabies, hog cholera, Malta fever, foot and mouth diseases, rabies, and other similar and dissimilar contagious and infectious diseases; providing for the said Commission to establish and release necessary quarantines on such mentioned live stock, premises, pens, pastures, ranches, yards, counties, parts of counties, and other places; providing for said Commission to issue directions for dipping cattle, horses, mules, asses, and sheep for eradicating the fever carrying tick and sheep and cattle scabies; providing for said Commission to adopt necessary rules and regulations; providing for the division of the State of Texas into the free area, tick eradication area and general quarantined area, and the eradication of the fever carrying tick (*Margaropus Annulatus*) in the tick eradication area and free area; providing for the eradication of said fever tick in Tick Eradication Zone No. 3 of Southern Zone, and designating dates for the beginning of tick eradication in the counties therein; providing for the appraisal, condemnation and indemnification on account of horses and mules affected with glanders or anthrax; providing for cleaning and disinfecting of railway cars and of pens, yards and other places; providing for permitting persons owning, controlling or caring for cattle, mules, asses or sheep which are required to be dipped to file affidavit protesting against such dipping and asking for personal hearing before chairman of said Commission; providing penalties against persons failing to dip cattle, horses, mules, asses and sheep when directed in writing by said Commission to dip same under provisions of this Act; providing penalties against persons, firms, corporations, railway companies, and other common carriers for violating quarantines es-

tablished by said Commission or its chairman; and providing penalties against railway companies and other common carriers for failing to clean and disinfect cars, pens, and other places and for moving stock cars without cleaning and disinfecting, and for unloading tick infected or exposed cattle, horses, mules and asses into noninfectious pens in the tick eradication area and free area, or unloading tick free cattle, horses, mules or asses into infectious pens in the tick eradication area or general quarantined area; prescribing other duties of railway companies and other common carriers in reference to the subject of this Act. and providing penalties for violations thereof, providing other penalties for violating provisions of this Act; prescribing duties of persons owning, controlling and caring for live stock in the State of Texas with reference to said live stock and said contagious and infectious diseases; providing for said Commission to employ necessary help, including inspectors, veterinarians, clerical help, law enforcement assistants and other necessary help for carrying out the provisions of this Act; providing for commissioners' courts to furnish money to pay the salaries of inspectors, build dipping vats and purchase dipping material for conducting tick eradication and the eradication of contagious and infectious diseases therein; providing other sanitary measures for eradicating and controlling said diseases in the State of Texas and restricting the movement of live stock into and within the State of Texas unless properly certified to; validating tick eradication elections heretofore held; prescribing the powers, duties and authority of the chairman of the Live Stock Sanitary Commission, and providing penalties for violating quarantines established by said Commission or its chairman, and for failure to comply with written dipping directions from said Commission and chairman; providing penalties for permitting live stock affected with contagious or infectious diseases to leave premises; providing penalties for selling, giving away, trading or loaning cattle which the tuberculin test indicated to be affected with tuberculosis; providing for branding tubercular cattle TB; providing penalty for removing tuberculin tested cattle from premises where

tested without permit from the Live Stock Sanitary Commission; permitting owners and caretakers of live stock to file affidavits and have hearings before chairman of the Live Stock Sanitary Commission on matters pertaining to the dipping, treatment or branding of such live stock and the disinfecting of premises and pens; repealing all of Chapter 60, Acts of the Regular Session of the Thirty-fifth Legislature, except Section 8 thereof; repealing all of Chapter 12, of the Acts of the First Called Session of the Thirty-fifth Legislature, all of Chapter 44 of the Acts of the Regular Session of the Thirty-sixth Legislature, all of Chapter 38 of the Acts of the Third Called Session of the Thirty-sixth Legislature, and all of Chapter 10 of the Acts of the Fourth Called Session of the Thirty-sixth Legislature; and all other laws and parts of laws in conflict herewith; and declaring an emergency."

The House concurred in Senate amendments to H. B. No. 242.

Respectfully submitted,

N. K. BROWN,

Chief Clerk, House of Representatives.

Senate Bill No. 300.

The Chair laid before the Senate, on third reading,

S. B. No. 300, A bill to be entitled "An Act amending Articles 1092, 1094, and 1095 of the Revised Civil Statutes of the State of Texas of 1911, relative to incorporated cities and towns and the abolishing of their corporate existence and re-incorporation thereof; providing for the disposition of money and property of such incorporated cities and towns upon the abolishing of the corporate existence and providing for the collection and disposition of taxes due such abolished corporation; the main purpose of the Act being to provide a method whereby the money, property and taxes of an incorporated city or town whose corporate existence is abolished may be taken over by the new municipality where a new incorporation is formed with the same or additional or less territory than that of the old incorporated city or town; and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—22.

Bailey.	McNealus.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Parr.
Carlock.	Suiter.
Cousins.	Watts.
Darwin.	Williams.
Davidson.	Witt.
Dudley.	Wood.
Fairchild.	Woods.
Hall.	

Absent.

Floyd.	Richards.
McMillin.	Rogers.

Absent—Excused.

Clark.	Hertzberg.
Dorough.	Lewis.
Harp.	

Senate Bill No. 283.

The Chair laid before the Senate, on third reading,

S. B. No. 283, A bill to be entitled "An Act providing that all doctors, physicians, midwives, nurses, or those in attendance at child birth, shall use prophylactic drops in the eyes of the new born to prevent ophthalmia neonatorum; providing that the State Board of Health shall furnish free of cost to the indigent such prophylactic drops; affixing a penalty for violations of this Act, and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 293.

The Chair laid before the Senate, on third reading,

S. B. No. 293, A bill to be entitled "An Act to authorize counties and cities of over ten thousand inhabitants, either or both, where a fund of Fifty Thousand Dollars, or more, has been, or shall be, left by will, or otherwise, for the establishment and maintenance of a hospital in such city in which the sick and wounded of such city, or of the State of Texas, who are indigent, may be admitted and receive the care and attention of the hospital and medical and surgical attention without cost; to aid in the

maintenance of such hospital so far as in the judgment of the Commissioners' Court of the county, or of the governing body of the city, may be proper; to provide hospital accommodations and medical and surgical attention for the sick and wounded of such county or city who may be indigent, and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 306.

The Chair laid before the Senate, on third reading,

S. B. No. 306, A bill to be entitled "An Act creating the Stuart Independent School District in Cameron County, Texas, and defining its boundaries; providing for the election of a board of trustees; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications; investing said district with all the rights, powers, etc., of a town or village incorporated under the General Laws of the State for free school purposes only, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—23.

Bailey.	McMillin.
Baugh.	McNealus.
Bledsoe.	Murphy.
Buchanan.	Page.
Carlock.	Parr.
Cousins.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hall.	

Absent.

Richards. Rogers.

Absent—Excused.

Clark.	Hertzberg.
Dorough.	Lewis.
Harp.	

Senate Bill No. 319.

The Chair laid before the Senate, on third reading,

S. B. No. 319, A bill to be entitled "An Act amending Chapter 41 of the Special Laws passed at the Regular Session of the Thirty-third Legislature creating a more efficient road system for McLennan County, Texas, so as to authorize the Commissioners' Court of McLennan County to pay the Road Superintendent a yearly salary of not exceeding five thousand (\$5,000.00) dollars, and repealing laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—23.

Bailey.	McMillin.
Baugh.	McNealus.
Bledsoe.	Murphy.
Buchanan.	Page.
Carlock.	Parr.
Cousins.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hall.	

Absent.

Richards. Rogers.

Absent—Excused.

Clark.	Hertzberg.
Dorough.	Lewis.
Harp.	

Senate Bill No. 207.

The Chair laid before the Senate on third reading,

S. B. No. 207, A bill to be entitled "An Act creating a County Court at Law for Stephens County, Texas; defining and establishing the jurisdiction of said Court and defining the jurisdiction retained by the County Court of Stephens County; providing for the term and practice for County Court at Law for Stephens County, Texas; for the election, qualification of the judge thereof and the term of same; providing for the bond and oath of said judge; for the appointment of the judge thereof; providing for the issuance of writs and the return and service of same; providing for the appointment of Jury Commissioners, the selection of

juries, the filling of the vacancies in the election of judge; the fees and salaries of the judges of the County Court at Law of Stephens County, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—22.

Bailey.	Hall.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Cousins.	Parr.
Darwin.	Suiter.
Davidson.	Watts.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.

Absent.

Clark.	Hertzberg.
Dorough.	Lewis.
Harp.	

Absent—Excused.

Richards.	Williams.
Rogers.	

Executive Message.

Governor's Office.

Austin, Texas, March 5, 1921.

To the Members of the House and Senate.

Gentlemen: In the exercise of authority both branches of the Legislature have adopted a resolution providing for final adjournment of your Honorable Body on March 12th. This action on your part presupposes that by that date all general legislation will have been enacted now needed, in your judgment, for the welfare of the State. However, the failure of the Legislature to pass the general appropriation bill to provide for the running expenses of the State Government for the two next years necessitates the reconvening of the Legislature in extraordinary session. In the circumstances I deem it proper, for your information, and in order that the members may arrange their business affairs accordingly, to advise you that the Legislature will not be reconvened in special session until sometime during the summer months.

Yours most respectfully,

PAT M. NEFF,

Governor.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 446, A bill to be entitled "An Act relative to public roads of Wilbarger County, and to create a more efficient road system for Wilbarger County, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 468, A bill to be entitled "An Act creating the Ninety-second Judicial District, to be composed of the counties of Young, Archer and Clay, and fixing the terms of said court; providing for the election of a district judge and district attorney; providing that the Thirtieth Judicial District, now composed of the counties of Young, Archer, Clay and Wichita, shall hereafter be composed of Wichita County only, and fixing the terms of said Thirtieth Judicial District; providing for officers of the court, and preserving the status of cases and proceeding, and declaring an emergency."

With engrossed rider.

H. B. No. 432, A bill to be entitled "An Act to amend Section 8 of Chapter 139 of the General Laws of the State of Texas passed by Regular Session, and amended by the Thirty-sixth Legislature at its Second Called Session, Chapter 5, page 24; of the General Laws of the Second Called Session of the Thirty-sixth Legislature; changing the time of holding court in the various counties of the Forty-second Judicial District of Texas; abolishing the criminal jurisdiction of said district court in Stephens County and conferring said criminal jurisdiction upon the district court of the Ninetieth Judicial District of Texas; abolishing the office of assistant district attorney for Stephens county in the district courts of the Forty-second Judicial District and creating the office of district attorney in the district court of said Ninetieth Judicial District of Texas and providing that the district attorney of said

district court for said Ninetieth Judicial District shall draw the same salary as now being drawn by said assistant district attorney; validating all processes, writs and bonds issued or executed prior to the taking effect of this Act; repealing all laws and parts of laws in conflict herewith, and creating an emergency."

With engrossed rider.

H. B. No. 481, A bill to be entitled "An Act authorizing Briscoe County, Texas, or any political subdivision or defined district thereof, to issue road bonds under the provisions of the general law; validating bond election heretofore held in certain defined political subdivisions in said county; providing for the validation of all proceedings and orders heretofore or hereafter made by the commissioners court of said county in the establishment of a road district where the territory embraced therein overlapped the territory embraced within the boundaries of another district theretofore formed, and validating all proceedings, and declaring an emergency."

H. B. No. 484, A bill to be entitled "An Act creating the Vance Independent School District in Edwards and Real Counties, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed upon independent school districts and the boards of trustees thereof, and declaring an emergency."

H. B. No. 517, A bill to be entitled "An Act creating the La Feria Independent School District in Cameron County, Texas, and defining its boundaries; providing for the election and qualification of a board of trustees therefor; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees; and prescribing their qualifications; investing said district with all the rights, powers and privileges and duties of a town or village incorporated under the general laws of the State of Texas for free school purposes only, and declaring an emergency."

H. B. No. 485, A bill to be entitled "An Act creating the Hackberry Independent School District in Edwards and Real counties, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts, and the board of trustees thereof, and declaring an emergency."

H. B. No. 505, A bill to be entitled "An Act creating the Atlanta Independent School District, commonly known as Common School District in Cass County, Texas, and including within its limits the municipal corporation of the town of Atlanta, and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy and assess and collect special taxes, and conferring upon the board of trustees preliminary powers; and providing authority to issue bonds for the purpose of purchasing school sites and erecting and furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools; providing an equalization board and prescribing the duty and authority of said boards of trustees; declaring valid an issue of bonds theretofore made; declaring valid a maintenance tax theretofore voted, and repealing laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency."

H. B. No. 521, A bill to be entitled "An Act creating the Bloomburg Independent School District in Cass County, Texas; defining its boundaries, including the district under the general laws, providing for a board of three trustees, and declaring an emergency."

Respectfully submitted,

N. K. BROWN,
Chief Clerk House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Page, had referred, after their cap-

tions had been read, the following House Bills:

H. B. No. 184, referred to Committee on Finance.

H. B. No. 196, referred to Committee on State Affairs.

H. B. No. 139, referred to Committee on Judicial Districts.

H. B. No. 230, referred to Committee on State Affairs.

H. B. No. 354, referred to Committee on Mining and Irrigation.

H. B. No. 492, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 504, referred to Committee on Judicial Districts.

H. B. No. 514, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 518, referred to Committee on Educational Affairs.

H. B. No. 223, referred to Committee on Lands and Land Office.

H. B. No. 247, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 353, referred to Committee on Educational Affairs.

H. B. No. 279, referred to Committee on Lands and Land Office.

H. B. No. 432, referred to Committee on Judicial Districts.

H. B. No. 505, referred to Committee on Education.

H. B. No. 485, referred to Committee on Education.

H. B. No. 484, referred to Committee on Education.

H. B. No. 446, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 481, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 521, referred to Committee on Educational Affairs.

H. B. No. 517, referred to Committee on Educational Affairs.

H. B. No. 464, referred to Committee on Judicial Districts.

Senate Bill No. 267.

The Chair laid before the Senate, on second reading.

S. B. No. 267. A bill to be entitled "An Act to direct the Prison Commission to sell the Texas State Railway in whole or in part; to make an appropriation from the general revenue to redeem bonds with accrued interest of the said railroad held by the permanent public free school fund against the railroad, and declaring an emergency."

(Senator Bailey in the Chair.)

Senator Fairchild offered the following amendment:

A BILL

To Be Entitled

An Act creating a Board of Managers for the Texas State Railroad, providing for the appointment, prescribing the duties of its members; directing the Prison Commission to transfer possession of the Texas State Railroad and all its property to the Board of Managers herein created, authorizing the Board of Managers to sell or lease the Texas State Railroad, and providing for the disposition of the proceeds; authorizing said Board in the event it cannot sell said railroad to continue to operate and to rehabilitate it, and making an appropriation therefor; providing for reports by said Board; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The Lieutenant Governor of the State of Texas is hereby authorized to appoint two men who are experienced in the management and practical operation of railroads, who with the Lieutenant Governor of the State of Texas shall constitute the Board of Managers of the Texas State Railroad, which Board shall exercise full and plenary control and management of the Texas State Railroad. The members of said Board shall serve without pay except such actual and necessary expenses incurred while in the performance of their duties, as hereinafter defined, such expenses to be paid out of the appropriations hereafter made, in the manner now provided for by law.

Sec. 2. Immediately after the taking effect of this Act it shall be the duty of the Board of Prison Commissioners of the State of Texas, upon demand of the Board of Managers of the Texas State Railroad, to deliver the possession of said railroad, together with all equipment, supplies, choses, books, records and documents of every character, and all property of whatsoever kind belonging to the said railroad, to the Board of Managers, created by this Act.

Sec. 3. The Board of Managers is hereby authorized, upon approval of

the Governor of the State of Texas, and given full authority to sell or lease said railroad for the highest amount and upon the best terms obtainable, to any person, firm, or corporation, and in the event said railroad is sold to execute and deliver to the purchaser thereof a deed to the right of way and to all other lands owned by the State of Texas and used in connection with said railroad and to do any and all things necessary to convey the title of said railroad right of way, rolling stock, and all other property and choses of whatsoever kind belonging to said railroad to the purchaser, and in event the Board of Managers shall lease said railroad, it shall have the authority to execute such a lease agreement as it may deem to the best interest and welfare of the State of Texas, subject, however, to the approval of the Governor of the State of Texas, provided that in the event of the sale of said railroad the proceeds thereof shall be first applied to the payment of the bonds and accrued interest thereon, owned by the Public School Fund of the State of Texas and against said railroad. Any balance shall be paid into the Treasury of the State.

Sec. 4. If the Board of Managers cannot sell said railroad or lease the same to an advantage, then it is hereby authorized to continue to operate the same upon the most economical basis possible, and until such time as the Board may be able to find a satisfactory purchaser for said railroad or lease the same to an advantage, and for the purpose of rehabilitating said railroad and putting the same in shape so that traffic may move over the same in safety, there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of one hundred and fifty thousand dollars, which with the operating revenue derived from the railroad, to be paid by warrants, drawn upon the State Treasury, by the Comptroller upon order of the Board of Managers.

Sec. 5. Such Board of Managers shall make reports to the Comptroller of all receipts, expenditures and disbursements, which reports shall be prepared not later than the 10th day of each month and shall cover the operations of said railroad for the preceding calendar month. They shall be accompanied by a remittance to the Comptroller of all moneys so received by

such Board of Managers in the course of its operation during such month.

Sec. 6. All disbursements and payments of every nature whatsoever, including interline balances, shall be paid by warrant of the Comptroller upon the Treasury drawn by him upon due order of the Board of Managers. Interline balances shall be carried by the Comptroller as a separate trust fund for the benefit of connecting lines entitled to revenue funds collected by said railroad.

Sec. 7. All current funds received by the Board of Managers or any station agent of such railroad shall be forthwith transmitted to such State bank as may be designated by the Board of Managers as a depository of such funds. Remittances of such funds to the Comptroller shall be made by the check of the Chairman of the Board of Managers upon such bank.

Sec. 8. Such Board of Managers shall make full report of any sale or lease of such railroad to the Governor. In case of the operation of such railroad by such board, full reports of all expenses, disbursements and income shall be made by it to the Governor, on the first days of July and January of each year. In case of the lease of such railroad the rentals shall be collected and audited by the Board, and a full report thereof likewise made to the Governor semi-annually.

The Governor shall submit all such reports to the Legislature at each session next preceding the receipts thereof by him.

Sec. 9. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 10. The fact that the Texas State Railroad is continually losing for the State large sums of money, and owing to the crowded condition of the calendar and the near approach of the end of the session, creates an emergency and an imperative public necessity demanding the suspension of the Constitutional rule requiring bills to be read on three several days in each house, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Pending discussion, Senator Page offered the following amendment to the amendment:

Amend the amendment by striking out Sections 4, 5, 6 and 7 and renum-

bering the Sections to correspond properly.

Recess.

On motion of Senator Suiter, the Senate, at 12:20 o'clock p. m. recessed until 3 o'clock today.

After Recess.

The Senate was called to order by President Pro Tem Page.

Senate Bill No. 267.

The pending business from this morning. Senator Fairchild moved that the further consideration of the bill be postponed until Monday morning, following the conclusion of the morning call.

The motion was adopted.

Senate Bill No. 190.

The Chair laid before the Senate, on second reading.

S. B. No. 190, A bill to be entitled "An Act to amend Article 4694 of the Revised Civil Statutes of 1911, so as to have cause of action for actual damages where injuries resulting in death or caused by the negligence, or carelessness or any person, firm, municipality or other corporation, association or receiver, their agents or servants; the liability of receivers to exist in all cases where the person, firm, municipal or other corporation, or association would have been liable under this or any previous Act had there been no receiver, repealing all laws in conflict, and declaring an emergency."

The bill was read second time and passed to engrossment.

Simple Resolution No. 72.

Whereas, Many of the citizens of southeast Texas are rice farmers and much of the prosperity of southeast Texas is dependent upon the rice farms of that section; and

Whereas, The producers of rice in the year 1920 have not been able to secure the sale of their product in any way that will bring even one-half of the price of production;

Be it Resolved, That the people of Texas be requested to designate one week in each month as the week to encourage the consumption of rice and that one day in each week be set aside as a special day for the consumption of rice.

Hall, Cousins, Buchanan, Floyd, Fairchild, Bledsoe, Suiter, Parr, Murphy, Dudley.

The resolution was read and adopted.

Senate Bill No. 282.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 282, A bill to be entitled "An Act to amend Article 4459, Chapter 6, Title 65, Revised Civil Statutes of the State of Texas of 1911, relative to dangerous diseases and insect pests that depredate upon fruit trees and nursery stock; prescribing methods of dealing with such diseases and insect pests and adding to such list of diseases and insect pests the words citrus canker, plum canker, fire blight, Florida red scale, cottony cushion scale, and woolly aphis, declaring all fruit trees and nursery stock infected or infested with any disease or insect pest mentioned herein a public nuisance, and providing for the treatment and destruction of all fruit trees and nursery stock found to be so infected, or infested, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 191.

The Chair laid before the Senate, on second reading.

S. B. No. 191, A bill to be entitled "An Act to validate the authentication and acknowledgment of conveyances and other instruments where the notarial seal used by the officer taking the acknowledgment did not conform to the law in force when the acknowledgment was taken and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 270.

The Chair laid before the Senate, on second reading,

S. B. No. 270, A bill to be entitled "An Act requiring every person driving a motor vehicle or motorcycle, when approaching the intersection of any public street or highway with the track of any steam railroad or interurban railroad when said street or highway crossed such track at grade, to bring such vehicle to a full stop at not less than fifteen feet nor more than fifty feet from the place of crossing, and to look and listen for approaching trains before proceeding across such crossing; providing that this Act shall not apply to intersections within incorporated cities and towns having 10,000 or more inhabitants according to the last United States census, nor to crossings over which not more than two trains each way are run daily; nor shall this Act apply to a crossing where the view of the tracks for a distance of at least two hundred (200) yards on either side of such crossing is clear and unobstructed to a person approaching the same at a distance of one hundred (100) feet from such crossing; making it a misdemeanor to violate this Act and providing punishment therefor; providing that contributory negligence of persons injured at such crossings shall not defeat recovery and that damages shall be diminished in proportion to amount of negligence attributable to such person; providing for the repeal of Section 17 of Chapter 207 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as officially published, relating to the reduction of the speed of motor vehicles and motorcycles when approaching the intersection of public streets or highways with the track of steam railroads or interurban railroads under circumstances therein mentioned and for the repeal of so much of Chapter 31 of the officially published General Laws of the First Called Session of the Thirty-fifth Legislature and so much of Chapter 13 of the officially published General Laws of the Third Called Session of the Thirty-fifth Legislature as make it a misdemeanor to violate said Section 17 of said Chapter 207 of the General Laws of the Thirty-fifth Legislature and prescribing punishment therefor; authorizing peace officers to make arrests for violations of this

Act committed within their view or presence; and declaring an emergency."

The bill was laid on the table subject to call.

Senate Bill No. 297.

The Chair laid before the Senate, on second reading,

S. B. No. 297, A bill to be entitled "An Act to regulate the business of insurance made on what is known as the Lloyds plan, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 227.

Senator Wood moved to reconsider the vote by which the Senate adopted the adverse committee report on Senate Bill No. 227, and spread the motion to reconsider on the Journal.

The motion was adopted.

Senate Bill No. 81.

The Chair laid before the Senate, on second reading, S. B. No. 81.

The bill was laid on the table subject to call on motion of Senator Dudley.

Senate Bill No. 83.

The Chair laid before the Senate S. B. No. 83, which bill was laid on the table subject to call, on motion of Senator Dudley.

Senate Bill No. 335.

The Chair laid before the Senate, on second reading,

S. B. No. 335, A bill to be entitled "An Act amending Section 5, of an Act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled: An Act relating to the protection of wild game, birds, etc., and requiring a license for the purpose of hunting, being H. B. No. 457, Chapter 157, of said Regular Session laws and to repeal all

laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 528, A bill to be entitled "An Act to create a special and more efficient road system for Collin County, in the State of Texas, and making county commissioners ex-officio road commissioners and prescribing their powers and duties as such, and providing for their compensation as such commissioners; and providing for the condemnation of lands and other property by said county for the purpose of laying out and establishing roads and for straightening, widening or draining any established road, and for the condemnation of any timber, earth or other material for the construction and maintenance of public roads, and to provide for compensation for the material used; and providing for the working of county convicts on the public roads and county farm and the purchase of supplies for such convicts, and the rewards for the capture of escaped convicts and for the commutation of sentences for faithful service and good behavior, and providing the powers and duties and liabilities of road overseers, and to provide for the summoning of road hands and teams for road work, and for the allowance of time for services of hands and teams on public roads and fixing the penalty for violation of same, and relieving them from the performance of such work by the payment of three (\$3.00) dollars, and providing that delinquent poll tax payers shall be liable for extra road duty of three days and providing for the manner of summoning and working of all persons liable for road duty on the public roads who have not paid such road tax or poll tax, and permitting substitution and payment of money in lieu of such service and to provide for the manner of training and maintaining hedges along the pub-

lic roads and the punishment for failure to comply therewith, and for the allowance of extra time for road overseers, and to provide punishment for all who obstruct any drainway of any public road; and providing further, making this Act cumulative of the General Laws now in force, and to repeal Chapter 84 of the Acts of the Thirty-sixth Legislature, being a special road law for Collin County, and declaring an emergency."

H. B. No. 532, A bill to be entitled "An Act to amend an Act passed by the Thirty-third Legislature, Regular Session, 1913, Chapter 3, Special Laws, approved February 11, 1913. Special Laws, Thirty-third Legislature, page 12, entitled 'An Act incorporating and creating the Rankin Independent School District of Upton County, Texas, for free school purposes only; defining its boundaries and providing for the election of a board of trustees, for the raising of revenue by taxation, for the issuance of bonds for building purposes and for the maintenance of public free schools in such district, and vesting said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon independent school districts and the board of trustees thereof, formed by the incorporation of a town or village for free school purposes only under the General Laws, and declaring an emergency.'"

S. B. No. 274, A bill to be entitled "An Act creating the Sharyland Independent School District, situated in Hidalgo County, out of territory situated in the McAllen Independent School District; defining its metes and bounds, conforming the boundaries of the McAllen Independent School District thereto; vesting said created district with the rights, powers, privileges and duties of a town or village incorporated under the General Law for school purposes only; providing for a board of trustees to manage and control the public free schools within said district, vesting in said board all the rights, powers, privileges and duties conferred and imposed by the General Law of this State upon the trustees of independent school districts, and declaring an emergency."

H. B. No. 189, A bill to be entitled "An Act to amend Article 1546, of Chapter 7, of the Revised Statutes

adopted at the Regular Session of the Thirty-second Legislature, 1911, entitled 'Proceedings in Cases in the Supreme Court.'"

With engrossed riders.

H. B. No. 94, A bill to be entitled "An Act to apportion the State of Texas into senatorial districts, and declaring what counties shall constitute each senatorial district, and creating an emergency."

With engrossed rider.

Respectfully submitted,

N. K. BROWN,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Page, had referred, after their captions had been read, the following House Bills:

H. B. No. 94, referred to Committee on Senatorial Districts.

H. B. No. 189, referred to Committee on Civil Jurisprudence.

H. B. No. 532, referred to Committee on Educational Affairs.

H. B. No. 528, referred to Committee on Roads, Bridges and Ferries.

Senate Bill No. 166.

The Chair laid before the Senate, on second reading.

S. B. No. 166, A bill to be entitled "An Act to establish a Texas Industrial School and Workshop for the Adult Blind of the State; providing for a Board to locate such institution and to manage its affairs; providing an appropriation, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Message from the House.

Hall of the House of Representatives, Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in the Senate amendments to House Bill No. 161, and requests the appointment of a Free Conference Committee.

The following conferees have been appointed on the part of the House: Messrs. Teer, Miller of Dallas, Hill, Bonham and Hall.

Respectfully submitted,

N. K. BROWN,

Chief Clerk House of Representatives.

Senator Murphy moved that the Senate grant the request of the House for a Free Conference Committee on House Bill No. 161.

The motion was adopted.

In accordance with the above motion the Chair announced the appointment of the following on the part of the Senate: Senators Murphy, McNealus, Darwin, Hall and Bailey.

Adjournment.

On motion of Senator Carlock, the Senate, at 4 o'clock p. m., adjourned until 9:30 o'clock Monday morning.

APPENDIX.

Committee Reports.

Senate Chamber,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 293 carefully read and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 174 carefully read and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 294 carefully read and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 295 carefully read and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 240 carefully read and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 283 carefully read and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 300 carefully read and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 207 carefully read and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 337, carefully read and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 111 carefully read and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 311 carefully read and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Joint Resolution No. 5 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Committee Room,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 39, A bill to be entitled "An Act amending Article 832 of Title 13 of the Revised Criminal Statutes of the State of Texas of 1911, providing that if any person liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to the road overseer the sum of two dollars for each day he may have been notified to work on the public roads or to pay to such road overseer the sum of two dollars and fifty cents for each day he may have been notified to furnish his team for road work, or, having attended, shall fail or refuse to perform good service or any other duty required of him by law, or the person under whom he may work, to comply with any duty required of him by the laws relating to work on public roads, shall be deemed guilty of a misdemeanor; prescribing

penalty for violation of this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

McMILLIN, Chairman.

Committee Room,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 492, A bill to be entitled "An Act to amend Sections 7 and 11 of the Acts of the Thirty-second Legislature creating a Road System for Jack County, Texas, and declaring an emergency,"

Have had same under consideration, I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

McMILLIN, Chairman.

Committee Room,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 161, A bill to be entitled "An Act to amend Chapter 160 of the Acts of the Regular Session of the Thirty-sixth Legislature of the State of Texas, approved April 3, 1919, the same being 'An Act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage, providing for an appropriation therefor, and fixing penalties for the violation thereof, and declaring an emergency,' by providing for manner of selection and employment of said Commission, providing additional powers and duties providing for salaries; making appropriations therefor, fixing penalties for the violations thereof, and declaring an emergency,"

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass, but that Senate Bill No. 46 be sub-

stituted in lieu thereof, and be not printed.

McNEALUS, Chairman.

Committee Room,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 468, A bill to be entitled "An Act creating the 92nd Judicial District to be composed of the Counties of Young, Archer and Clay, and fixing the terms of said court; providing for the election of a district judge and district attorney; providing that the 30th Judicial District now composed of the Counties of Young, Archer, Clay and Wichita, shall hereafter be composed of Wichita County only, and fixing the term of said 30th Judicial District; providing for officers of the court and prescribing the status of cases and proceedings; and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 446, A bill to be entitled "An Act relative to public roads of Wilbarger County and to create a more efficient road system for Wilbarger County, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

McMILLIN, Chairman.

Committee Room,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 39, A bill to be entitled "An Act amending Article 832 of title 13 of the Revised Criminal Statutes of the State of Texas of 1911, providing that if any person liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to the road overseer the sum of two dollars for each day he may have been notified to work on the public roads, or to pay to such road overseer the sum of two dollars and fifty cents for each day he may have been notified to furnish his team for road work, or, having attended, shall fail or refuse to perform good service, or any other duty required of him by law or the person under whom he may work, or to comply with any duty required of him by the laws relating to work on public roads, shall be deemed guilty of a misdemeanor; prescribing penalty for violation of this Act; providing that no one shall be prosecuted under this Act if such person has paid to the county treasurer of the county in which he resides the sum of seven dollars and fifty cents (\$7.50) on or after the first day of October and on or before the thirty-first day of January preceding the year that said person desires to be exempted from road duty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

McMillin, Chairman; Davidson, Williams, Dudley, Witt, Floyd, Woods.

Committee Room,

Austin, Texas, March 5, 1921.

Hon Lynch Davidson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 326, A bill to be entitled "An Act to amend Section 6a, Part 2, Chapter 103, Laws of 1917, same being known as the Workmen's Compensation Law, so as to provide that the subscriber shall have a first lien upon any cause of action by an injured employe or his beneficiary against a third person who may be

liable to such employe and that such beneficiary may have the right to employ counsel to take charge of his interest in such litigation,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

McNEALUS, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 343, A bill to be entitled "An Act making an appropriation of Forty Thousand (\$40,000.00) Dollars to carry out the purpose of the appropriation made in Section 6 of Chapter 7 of the General Laws of the Second Called Session of the Thirty-fifth Legislature relative to a School at Ferguson State Farm in Madison County for the education and training of delinquent boys to be named and known as the State Training School for Negro Boys; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

Witt, Chairman; Suiter, Cousins, Floyd, Darwin, McMillin, Rogers.

Committee Room,

Austin, Texas, March 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 120, A bill to be entitled "An Act providing that persons, firms or corporations, who operate or conduct hotels, cafes, restaurants, dining cars or other public eating places, bakeries and meat markets in this State, shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; and further providing that such persons, firms or corporation or common carriers operating or conducting any public eating place heretofore named or operating any bakery, or meat market, public dairy or dairies, shall have made a medical inspection for

all their employees at intervals of time of not more than six months, and if such examination discloses the fact that any person in their employment is infected with or affected by any infectious or contagious disease, that such person shall promptly be discharged from such employment; and further providing that all dishes, receptacles or other utensils used in eating or drinking, or for the conveyance of articles of food, shall be thoroughly cleansed and sterilized by heat or in boiling water since used by another person, and prohibiting the use of dishes, receptacles or other utensils that are cracked or broken in such a manner as to render their sterilization impossible or doubtful, and providing penalties for a violation of the provisions of this Act, repealing all laws in conflict, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed but printed in the Journal.

HALL, Chairman.

FORTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Monday, March 7, 1921.

The Senate met at 9:30 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent—Excused.
Dorough. Harp.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator Harp for today, on motion of Senator McMillin.

See Appendix for committee reports.

Simple Resolution No. 73.

By Senator Carlock:

Be it resolved by the Senate that the House be requested to return to the Senate, House Bill No. 324, for further consideration by the Senate.

The resolution was read and adopted.

Morning call concluded.

Executive Session.

Senator Bailey moved that the Senate sit in executive session on Friday morning at 11 o'clock for purpose of considering the confirmation of notaries public.

Senator Bledsoe moved, as a substitute, that the executive session be made for Thursday in lieu of Friday.

Action being on the longest time first and the motion to designate Friday at 11 o'clock a. m. as the date, was adopted.

Senate Bill No. 267.

(Special Order.)

Action here recurred on the Special Order, and the Chair laid before the Senate,

S. B. No. 267, A bill to be entitled "An Act to direct the Prison Commission to sell the Texas State Railway in whole or in part; to make an appropriation for the general revenue to redeem bonds with accrued interest of the said railroad held by the permanent public free school fund against the railroad, and declaring an emergency."

The bill was read second time Saturday, March 5.

The question was on the amend-